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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 81994/282402
First Inventor Rogers, Jack
Title The Translation Enhancer Element
Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 23]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
5. Oath or Declaration [Total Pages 3]
 - a. ☐ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
 - b. ☒ (for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of prior application No. 09 / 188,118
(when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09 / 188,118
S. Turner Examiner 1647
Prior application information: Group Art Unit

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 00909 (insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

Name
Address
City State Zip Code
Country Telephone 703/905-2173 Fax 703/905-2500

Name (Print/Type) Michael A. Sanzo Registration No. (Attorney/Agent) 36,912
Signature Michael A. Sanzo Date July 24, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 710.00

Complete if Known

| | |
|----------------------|--------------|
| Application Number | |
| Filing Date | |
| First Named Inventor | Rogers, Jack |
| Examiner Name | |
| Group Art Unit | |
| Attorney Docket No. | 81994/282402 |

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 03-3975
Deposit Account Name: Pillsbury Winthrop LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 101 | 710 | 201 | 355 | Utility filing fee | 710 |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1) (\$) 710

2. EXTRA CLAIM FEES

| | | Extra Claims | Fee from below | Fee Paid |
|--------------------|--|--------------|----------------|----------|
| Total Claims | | -20** = | X | |
| Independent Claims | | -3** = | X | |
| Multiple Dependent | | | | |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Michael A. Sanzo

Registration No (Attorney/Agent)

36,912

Complete (if applicable)

Telephone 703/905-2173

Signature

Michael A. Sanzo

Date

July 24, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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July 24, 2001

Assistant Commissioner for Patents
BOX Patent Application
Washington, DC 20231

Re: Continuation Patent Application
(Division of U.S. No. 09/188,118)
Appl. No.: to be assigned
Filing Date: herewith
Title: **The Translation Enhancer Element of the
Human Amyloid Precursor Protein Gene**
Inventor(s): Rogers, Jack
Atty. Dkt.: 81994/282402

Sir:

The following documents are being forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Form PTO/SB/05, Utility Patent Application Transmittal;
2. A true copy of the latest inventor-signed application, application no. 09/188,118, as filed in the U.S. Patent and Trademark Office on November 9, 1998, and naming as inventor:

Jack Rogers

the application comprising:

20 pages of specification (numbered as pages 1-20),
2 pages of claims (numbered as pages 21-22), and
a one-page abstract (numbered as page 23);

3. A copy of the Declaration (37 C.F.R. § 1.63) and Power of Attorney executed by inventor Jack Rogers filed in the parent application (3 pages);



PILLSBURY WINTHROP^{LLP}

Assistant Commissioner for Patents

July 24, 2001

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4. Preliminary Amendment (2 pages);
5. Information Disclosure Statement (2 pages);
6. List of References Cited by Applicant (5 pages);
7. A copy of the recorded Assignment to Brigham and Women's Hospital executed by inventor Jack Rogers filed in the parent application and (4 pages);
8. Form PTO/SB/17, Fee Transmittal for FY 2001;
9. Our check in the amount of \$710.00, representing the filing fee for this matter; and
10. Two (2) return postcards.

It is respectfully requested that the enclosed postpaid postcards be stamped with the date the enclosed documents are received by the PTO and with the application number, and that they be returned as soon as possible.

In accordance with the requirements of 37 C.F.R. § 1.53(b), the present divisional application is being filed under the conditions specified in 35 U.S.C. § 120. The inventors named on this divisional application are the same as the inventors named on the parent and the application is being filed before the patenting, or abandonment of, or termination of proceedings of the parent application (09/188,118). The undersigned hereby verifies that the enclosed is a copy of the latest inventor-signed prior application, including the oath or declaration as originally filed (application no. 09/188,118, filed on November 9, 1998 and to which priority is claimed). The undersigned further asserts that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

We are submitting an Information Disclosure Statement which cites references originally submitted in connection with U.S. 09/188,118. The present application relies upon 09/188,118 for priority under 35 U.S.C. § 120. Thus, in accordance with 37 C.F.R. § 1.98(d), copies of the



PILLSBURY WINTHROP^{LLP}

Assistant Commissioner for Patents

July 24, 2001

Page 3

listed references are not being resubmitted. If, for any reason, the examiner cannot locate a listed reference, Applicant will be happy to submit a copy as a courtesy.

The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to our Deposit Account No. 03-3975.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Michael A. Sanzo
Attorney for Applicants
Reg. No. 36,912

MAS:ct
Enclosures